

ZB# 92-31

Windsor Enterprises, Inc.

37-1-35.32

Prelim.

September 14, 1992.

#92-31-Windsor Enterprises, Inc.

Sign - Auto X Press

37-1-34.

Motion to shed.

P.H.

Need:

- (1) Seed
- (2) Title Report
- (3) Photos
- (4) Rendering/Sign here
- (5) Fees (a) 150.00 pd.
(b) 250.00 pd.

Notice to Sentinal on 9/17/92

OCPD to be
notified. → done 9/17/92

October 5, 1992.

Tabled for OCPD review

October 26, 1992.

Sign area
Variance approved.

~~\$ 50.00 due~~

paid Cc.

2654

3/26/93.

00#128-RATEY JERRY

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12925

Received of Windsor Enterprises, Inc. Oct 7 1992 \$ 150.00

One Hundred fifty 00 DOLLARS

For ZBA #92-31 Application Fee Sign Variance

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>CR 2458</u>		<u>150.00</u>

By Pauline M. Townsend es

Town Clerk

Title

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00#128-RATEY JERRY

00-1008-4A12

CR 2458	150.00

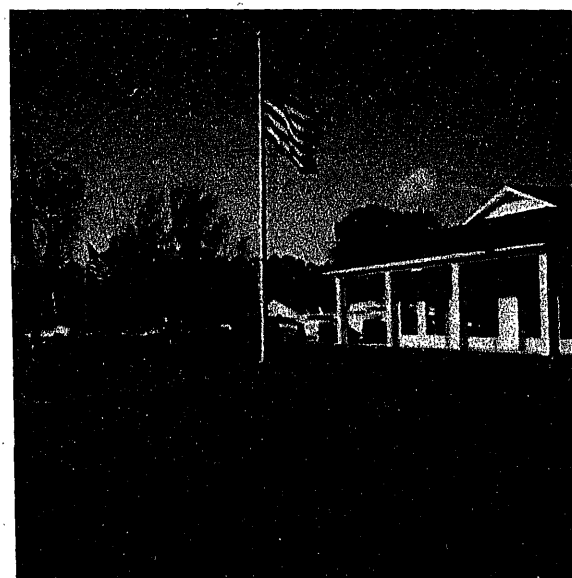
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By Marlene H. Townsend
es

Town Clerk

Title

00-1008-4A12



565-5911
S-11K

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Windsor Enterprises, Inc. (Auto Press)

FILE # 92-31

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 150.00 pd
* * * * * ck 2458

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 pd
ck 2459.

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 9/14/92 - 3 pages . . . \$ 13.50.
2ND PRELIM. MEETING - PER PAGE \$
3RD PRELIM. MEETING - PER PAGE \$
PUBLIC HEARING - PER PAGE 10/5/92 - 7 pages . . . \$ 31.50
TOTAL \$ 45.00

ATTORNEY'S FEES:

PRELIM. MEETING- .1 HRS. \$
2ND PRELIM. HRS. \$
3RD PRELIM. PH. 1.2 HRS. \$
FORMAL DECISION 1.4 HRS. \$
TOTAL HRS. 1.7 @ \$ 150.00 PER HR. \$ 255.00.
TOTAL \$ 255.00.

MISC. CHARGES:

_____. \$
TOTAL \$ 300.00
LESS ESCROW DEPOSIT \$ 250.00
(ADDL. CHARGES DUE) \$ 50.00.
REFUND TO APPLICANT DUE \$

In the Matter of the Application of

WINDSOR ENTERPRISES, INC.
(AUTO X PRESS)

DECISION GRANTING
SIGN VARIANCE

#92-31.

-----X

WHEREAS, WINDSOR ENTERPRISES, INC., a corporation with offices located on Route 9W and Caesar's Lane, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for 94 s.f. sign area variance for a free-standing sign to be located on the front portion of its premises fronting on N.Y.S. Route 9W located in an NC zone; and

WHEREAS, a public hearing was held on the 5th day of October, 1992, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York and was adjourned to, and continued on the 26th day of October 1992; and

WHEREAS, Raymond Yonnone was present at the hearings and spoke on behalf of applicant in support of the application; and

WHEREAS, one spectator was present and spoke at the public hearing, a Mr. Ed Stent of One Ona Lane, New Windsor, who stated that he was in favor of the application; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the applicant is seeking to vary the provisions of the bulk regulations pertaining to sign area in order to construct a 124 s.f. free-standing directory sign, to identify three separate businesses on this site, which is located on the west side of N.Y.S. Route 9W. The said sign will comply with the required setback and height requirements.

3. Applicant's proposed sign area exceeds the bulk regulations for free-standing signs in the NC zone by 94 s.f. and a variance for more than the allowable sign area is required in order to allow construction thereof.

4. The evidence presented and the Board's familiarity with the area shows that Route 9W in the Town of New Windsor, the site of the proposed free-standing sign, is a well-traveled highway. Motorists typically pass the subject site at 55 to 60 mph. In addition, the property is a parcel of approximately 4.5 acres

which wraps around a separate lot, owned by the same applicant, which is at the corner of Caesar's Lane and N.Y.S. Route 9W. The existing building on this corner lot is located much closer to the road than the building on the subject lot so it obscures the view of the subject building for traffic traveling south on N.Y.S. Route 9W. In addition to being located near this busy intersection, the area of N.Y.S. Route 9W on which the subject property fronts is an undivided four-lane highway in a valley at the foot of a hill and just over a bridge without any shoulders. All of these factors make clear signage, which quickly identifies the location of several different businesses, absolutely essential.

5. The evidence presented by the applicant indicated that the proposed free-standing sign will consolidate the signage along the road for three separate businesses (and in the future, possibly for additional businesses also) on one single sign. The applicant indicated that the proposed signage, given the building location which is set back from the road, and partially concealed by the building on the adjacent lot, will avoid multiple signs at the roadside which would be visually confusing and a hazard to passing motorists. This Board finds that by unifying the signage on a single, although larger sign, the visibility and recognition thereof should improve and it should also promote the safety of passing traffic and users of the premises.

6. The evidence presented by the applicant further indicated and the Board's familiarity with the area further shows that clear, easily recognized signage is especially critical in this area of Route 9W and Caesar's Lane because of the rapidly moving traffic along this busy highway, and because applicant's commercial building will be a new operation for this area, a sign identifying the new business is essential. In addition, the Board is concerned that the slow and/or stopped turning traffic onto and from Caesar's Lane creates a hazardous intersection just up the road from the subject property. Clear and quickly readable directory signage at this site will minimize the hazards to the public health, safety, and welfare, as well as providing the applicant with the necessary exposure for the three or more businesses at the site. The proposed sign will comply with the required setbacks and height requirements so it will not be located within required traffic sight-lines.

7. The evidence presented further showed that the proposed signage will facilitate ready identification of the applicant's property by passing motorists.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties. The premises are used for uses permitted in the NC zone which is consistent with the character of the neighborhood.

2. There is no other feasible method available to applicant

which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the bulk regulations for sign area. However, it is the conclusion of this Board that the granting of the requested substantial variance is warranted here because the proposed signage is a reasonable balancing of the applicant's need to identify the three or more businesses on the site and the need to protect the health, safety and welfare of the public near a busy intersection, at the foot of a hill, just over a bridge, which necessarily involves the hazard of slow-moving, turning vehicles confronting fast-moving through traffic. It is the Board's conclusion that, on balance, a single, free-standing directory sign, which is clear and easily recognized, although larger than the maximum allowed by the applicable zoning, is preferable to multiple, haphazard signage. In addition, it is this Board's conclusion that the applicant has shown that a larger sign on the subject parcel is warranted here compared to the sign on the adjacent corner lot of the applicant (which is also the subject of a variance granted simultaneously herewith). The subject lot is a considerably larger lot with a larger building, it is not located at the corner of the intersection, and due to the setbacks, the building is not as visible to passing motorists.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is not self-created.

6. It is the finding of this Board that the benefit to the applicant, if the requested sign area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested sign area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested sign area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 94 s.f. sign area variance for a free-standing sign at the above location in an NC zone as sought by the applicant, in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: November 9, 1992.


Chairman

Date 1/22/92, 19.....

253.00
253.00
3/00

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 351 Mares Hill Rd DR.
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
12/5/91		Zoning Board Meeting	75 00	
		11 sec - 4	18 00	
		12 sec - 3 30.00	36 00	
		12 sec - 13	58 50	
		12 sec - 16	72 00	
		12 sec - 13	58 50	
		12 sec Enterprises 13 (2) # 31.50	58 50	
			376 50	

WINDSOR ENTERPRISES, INC. (Auto X Press) - PUBLIC
HEARING

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MR. FENWICK: The next item up is item number 6 on the agenda, again Windsor Enterprises, Incorporated request for 94 square foot sign area variance for free standing sign Auto X Press located at intersection of Caesar's Lane and Route 9W in an NC zone. Again it says present James R. Petro, Jr., that's not true, Mr. Yannone is.

MR. YANNONE: This is a similar situation only this is new construction. There is no signage at all right now. This building is actually setback even a little bit further than the plaza we just talked about. The visibility is not as good and we would require a little bit larger sign. We are also going to be retailing cars and we have a display area along the road which is going to be in front of the sign. Without that sign there would be no identify at all to the building. With the larger, again larger building and further setbacks we think we require a larger sign.

MR. FENWICK: Putting a sign on the building?

MR. YANNONE: At this time we are not, no.

MR. FENWICK: Anyone here in the public in reference to this? Guess not.

MR. TORLEY: Where is this street, from the other one, adjacent to it?

MR. BABCOCK: Yes.

MR. TANNER: Two or more businesses going to be in there with X Press?

MR. YANNONE: Really a related mechanic doing the service and a cleanup shop that just needs to be identified below there, in a smaller sign. This is shot in the frontage.

MR. LUCIA: Again, on this property, thank you for providing copies of the deed and title policy. I think the title policy of the property is subject

to a number of grants and easements and right-of-ways. Again, to your knowledge, is there anything affecting the title of this property which would prevent you from maintaining the signage you're now seeking a variance on?

MR. YANNONE: No.

MR. LUCIA: Thank you.

MR. FENWICK: This is going to be in the same style as the previous sign?

MR. YANNONE: Yes, it will match.

MR. TORLEY: I don't know if you gentlemen are looking at the image the sketch of the sign back there, talking four by eight and two three by five signs. Do you need all three?

MR. YANNONE: The other two signs are for tenants in the same building that we have sublet the repair portion of the building out for auto repairs and we sublet the cleaning shop out. So they are really unrelated to the actual sales portion of it. That's the only, again the only signage they'll have on the building, also.

MR. FENWICK: What do you feel you need four by eight over let's say four by six?

MR. YANNONE: Well, if you look at the frontages of the building it's pretty setback. Especially coming down 9W if you are north looking that way you won't see it. You have to actually look towards it. I think we need a little larger sign to be seen at all especially with the cars going 55, 60 miles an hour.

MR. TORLEY: I know our sign ordinance is bad and outdated but this sign, again, asking for essentially four times the permitted size.

MR. FENWICK: The same argument you gave for the previous application you're giving for this one but you need a bigger sign.

MR. YANNONE: Well, a bigger sign because the building is proportionately larger, it's also setback further. Where I have the visibility of the corner and the deli, the plaza is almost on Route 9W. Where this building is if you don't look you won't see it.

MR. TANNER: What you are basically saying they can see the deli building and they can't see the other building?

MR. YANNONE: Yes.

MR. BABCOCK: The deli is a corner lot.

MR. YANNONE: It's further, it's closer to the road.

MR. TANNER: They can see it but they wouldn't see the next building.

MR. YANNONE: You wouldn't see it unless you look that way.

MR. TORLEY: What about the typical used car lot that has banners and --

MR. YANNONE: This is not going to be --

MR. TORLEY: This will not have that?

MR. YANNONE: No, absolutely not.

MR. LUCIA: I will ask a couple of specifics in regard to your variance application. Would an undesirable change be produced in the character of the neighborhood or detriment to nearby properties be created if there is area variance granted?

MR. YANNONE: No.

MR. LUCIA: Is the benefit sought by you achievable by some other method feasible for you to pursue other than an area variance?

MR. YANNONE: Not that I know of.

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MR. LUCIA: Is the requested area variance substantial?

MR. YANNONE: Yes.

MR. LUCIA: Your fact regarding the speed at which traffic goes by and the fact that the building is setback from the road blocked by the building to the north you need the exposure for the business?

MR. YANNONE: Yes.

MR. LUCIA: Is the proposed variance going to have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

MR. YANNONE: No.

MR. LUCIA: Did you create this difficulty yourself?

MR. YANNONE: I did not.

MR. LUCIA: Thank you.

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MR. FENWICK: Again, I will open this up to the public if there is anyone out there with any comments?

MR. STENT: Ed Stent, 1 Ona Lane, New Windsor. Can I just ask a question? My understanding that the sign coverage per lot is 30 square feet?

MR. BABCOCK: Depends on what zone.

MR. LUCIA: Each zone has different standards.

MR. TANNER: For an NC zone it's 30.

MR. STENT: I watch Mobil with 14 signs. Then I see Mr. Yannone with a couple of signs and a lady came here before with her sign that she had been at a prior hearing and then questions came up about the sign. I was just wondering how, I am getting lost here someplace.

MR. FENWICK: Mobil Oil and Carrols Corp., which

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MR. FENWICK: Mobil Oil and Carrols Corp., which is actually Burger King, are both located in a C zone. That has different signage requirements in the zoning ordinance than the NC zone where the two Windsor Enterprises' properties are located. So the standard --

MR. STENT: They are different square footage that they are allowed?

MR. LUCIA: Correct.

MR. FENWICK: Free standing requirements versus signs on the building, change, what zones, what's allowed. Sometimes you are not even allowed a free standing sign.

MR. TANNER: The location, also, has a lot of bearing in our decision. For instance if you are a corner like Mobil is, they are probably going to need more signs on the corner because they are on two streets.

MR. STENT: I think the town should give them all the support they can so their business can operate.

MR. LUCIA: You are in favor of the board granting the variance requested?

MR. STENT: Yes, I am.

MR. FENWICK: At this time we have to leave the, close the public, leave the public hearing.

MR. TANNER: Close.

MR. LUCIA: Not close, adjourn due to Municipal 239M, we need 30 days. I think the motion to adjourn to October 26th is in order.

MR. FENWICK: Any comments from the board? Dan, have you addressed the applicant with all our pertinent questions?

MR. LUCIA: I have. You should come back on the 26th in case any member, you or Jim, somebody

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needs to come back on the 26th in case anybody shows up and has questions or comments that need to be addressed.

MR. NUGENT: I make a motion that we adjourn until the 26th.

MR. TANNER: Second.

ROLL CALL

MR. TORLEY	Aye
MR. NUGENT	Aye
MR. TANNER	Aye
MR. FENWICK	Aye

Date 10/9/92, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Roth 389 Meers Hill Rd DR.
New Windsor Ny 12553

DATE			CLAIMED	ALLOWED
11/4/92		Zoning Board 63 pages	75 00	
		Misc. 3	13 50	
		Mobil - 23	10 3 50	
		Belinsky - 12	54 00	
		Clancy - 10	45 00	
		Windsor Enterprises - 4 & 3	31 50	
		Schumacher - 5	22 50	
		Bella - 3		
			358 50	

WINDSOR ENTERPRISES, INC.

MR. FENWICK: This is a request for 94 square foot sign area variance for freestanding sign (Auto X Press) located at intersection of Caesar's Lane and Route 9W in an NC zone.

Mr. James Petro, Jr. came before the Board representing this proposal.

MR. PETRO: What I'd like to do here, gentlemen, is basically the same thing. There are presently no signs on this parcel. It's 4.7 acres. The orange boat sign you see all the time is on the 1.7 acre parcel and it's not on this parcel. We are presently building a used car/auto showroom and in that same building, there's two other businesses that are going to be housed. One will be the clean-up shop for the cars which is a separate identity of its own. The other one would be the service bays. Which is leased out as service bays. Has nothing to do with Auto Express, of course, they'll be doing our work. But, that is the reason for the three signs, I do have other places on the property so the 3 by 5 signs on the bottom I'm not clear right at this time if I would use one of those for the other businesses on the property i.e. the canvas shop in the back that's why again I have just put 3 by 5 dimensions. I haven't put what the signs are going to say. At this time, it's not planned to have it lit. I don't know about the future. There is a street light directly over the sign so I don't know whether or not I really need to have this lit or not. I don't think so.

MR. FENWICK: Again, you're not anticipating having it any closer to the road than what is legal?

MR. PETRO: Definitely not. This one would only have 9W to contend with, not two streets. So, it will just be the 15 feet off 9W and I would have to have it up that far or more so that's not going to be a problem.

MR. LUCIA: Fifteen (15) feet from the side property line?

MR. PETRO: The way it is situated is somewhere in the middle of the parcel which is 200 and something feet.

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MR. LUCIA: Since you have a number of businesses there, if any of them are considering building signs, you might want to check the area, total area to make sure you don't need a variance on building sign area also if you have directionals internally for going this way, for service this way, for detail, where ever it is.

MR. PETRO: Internally in the property, you mean?

MR. LUCIA: If you have a building sign separate like over the service bays, Joe's Service or whatever it is, if the total sign area on the building signs exceeds the requirement obviously apply for a variance also.

MR. PETRO: I will do that.

MR. FENWICK: In getting back to the other one, we never addressed height on the other one, you're planning on keeping that within whatever is legal?

MR. BABCOCK: Yeah, on the application there's a height there it's 15 feet he's allowed and he's 13 or 14.5 foot, I think.

MR. PETRO: I have 4, 3 and 3 so that's 10 there, probably about start 4 1/2, it's going to be tight, going to be real tight.

MR. FENWICK: But you're going to keep it within?

MR. BABCOCK: Keep it within the 15 feet.

MR. PETRO: Right within the 15 feet.

MR. FENWICK: Double sided?

MR. PETRO: Yes.

MR. FENWICK: We'll need some kind of rendering for the file, if you can possibly even if you touch base with Burgess, just to give you an idea what you'd be using for material or something. Any other questions from the Members of the Board?

MR. NUGENT: I make a motion we set him up for a public hearing.

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MR. TANNER: I'll second the motion.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. LUCIA: Exactly the same requirements on this one which I won't repeat. And again if it's a different source of title, we need a copy of the deed, title policy and photos.

MR. PETRO: Another 150 and 250 bond?

MR. LUCIA: Unfortunately, since it's two separate issues. We do need a County referral on this one.

MR. PETRO: County is 30 days same as my Board?

MR. LUCIA: Yes.

-----X
In the Matter of Application for Variance of

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age and reside at 350 Bethlehem Road, New Windsor, NY 12553.

Myra L. Mason
Myra L. Mason

22nd day of September, 1992

Deborah Green
Notary Public

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 31

Request of WINDSOR ENTERPRISES, INC.

for a VARIANCE of
the regulations of the Zoning Local Law to
permit freestanding sign with more than the allowable
sign area in NC zone;

being a VARIANCE of
Section 48-12 - Table of Use/Bulk Regs. - Col. N.
for property situated as follows:

ROUTE 9W and Caesar's Lane, New Windsor, N. Y. 12553
known and designated as tax map Section 37 - Blk. 1
Lot 35.32.

SAID HEARING will take place on the 5th day of
October, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

1763

September 22, 1992

Windsor Enterprises, Inc.
c/o Petro & Yannone
P.O. Box 928
Vails Gate, NY 12584

Re: Tax Map Parcel: 37-1-35.32

Dear Mr. Petro:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00. Please remit the balance of \$10.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (cc)

Leslie Cook
SOLE ASSESSOR

LC/cad
Attachments
cc: Pat Barnhart

Washburn, Ronald A. & Stephanie ✓
44-52 Rt. 9W
New Windsor, NY 12553

Paradise Park Inc. ✓
c/o Manix Associates
26 Turner Rd.
Pearl River, NY 10965

Yonnone, Vincent J. ✓
82 Merline Ave.
New Windsor, NY 12553

Trifam Associates ✓
270 Main St.
Cornwall, NY 12518

Clarke, Charlotte ✓
110 Caesars Lane
New Windsor, NY 12553

Doherty, Paul S. Jr. ✓
20 Saddle Ridge Rd.
Ho-Ho-Kus, NJ 07423

Town of New Windsor ✓
555 Union Ave.
New Windsor, NY 12553

O'Rourke, Joseph & Margaret Herbison, & Catherine Valteau, ✓
& Patricia O'Brien
c/o Richard Clarino, Esq.
386 Broadway
Newburgh, NY 12550

Plant, Edward R. & Logan, Robert H. ✓
31 Merritt St.
Port Chester, NY 10573

Saw Mill Sports Mgmt. Corp. ✓
72 Route 9W
New Windsor, NY 12553

Asinovsky, Izrail & Maria ✓
48 Pearce Parkway
Pearl River, NY 10965

Langer, Lewis & Emily ✓
42 Faye Ave.
New Windsor, NY 12553

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

92-31

Date: 9/17/92.

I. ✓ Applicant Information:

- (a) WINDSOR ENTERPRISES, INC. P.O. Box 928 Vails Gate, N.Y. 565-8530
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) NC. 55-57 RT. 9W NEW WINDSOR, N.Y. 37-1-35.32 4.7 AC.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO.
- (d) When was property purchased by present owner? 1987.
- (e) Has property been subdivided previously? NO.
- (f) Has property been subject of variance previously? NO.
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: YES BOAT STORAGE
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

New Building

^{N/A}
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance: ^{N/A}

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

^{N/A}
 (b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

✓ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-12, Table of BULK Regs., Col. N. 9.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>30 SQ FT</u>	<u>124 SQ FT</u>	<u>94 SQ FT</u>
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

LOCATED ON RT. 9W IN A 55 MPH ZONE. ALSO WE
HAVE THREE SEPARATE BUSINESSES LOCATED ON THE SITE.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

0 SQF

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 150.00 and the second check in the amount of \$ 250.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 9/17/92

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x James R. Peto
(Applicant)

Sworn to before me this

17th day of Sept, 1992.
Patricia E. Baunhardt.

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1925

XI. ZBA Action:

(a) Public Hearing date: _____

(b) Variance: Granted () Denied ()

(c) Restrictions or conditions: _____

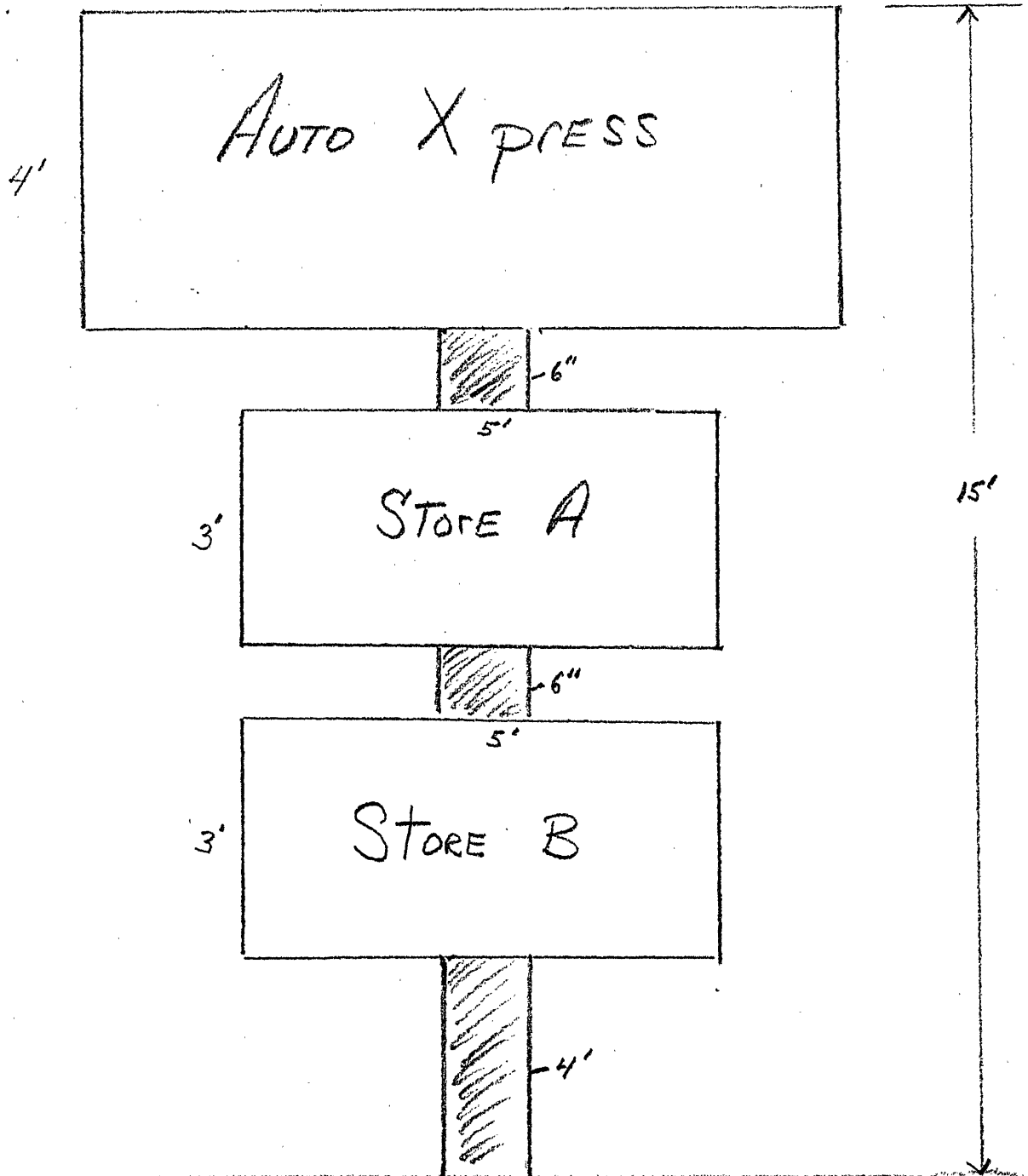
NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

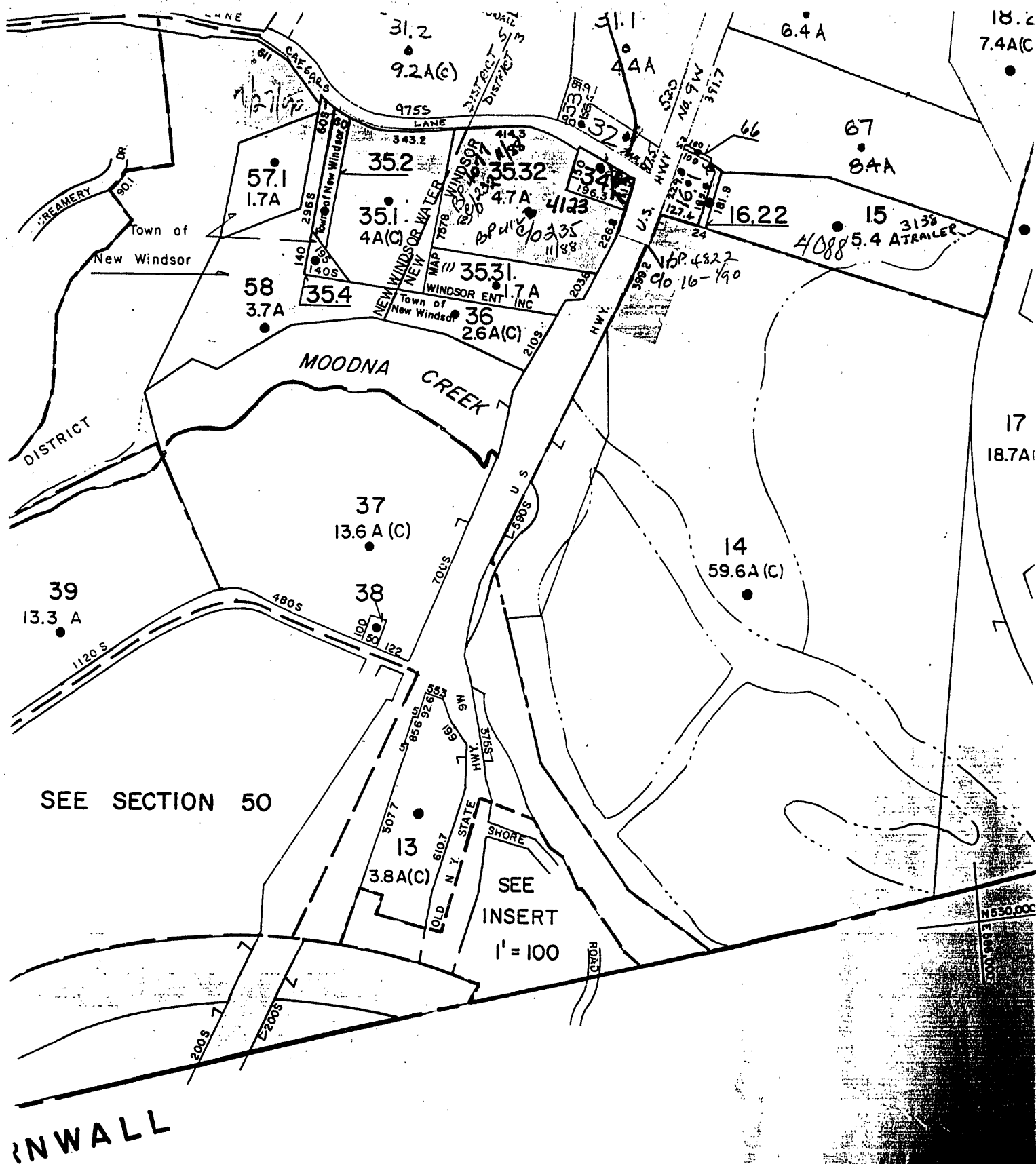
(ZBA DISK#7-080991.AP)

(914) 565-8530 • (914) 565-5280

Windsor Enterprises, Inc.

P.O. Box 928
Vails Gate, New York 12584
8'





TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

9

TO FRANCES ROTH 389 MADRID HWY RD. DR.
NEW WINDSOR NY 12553

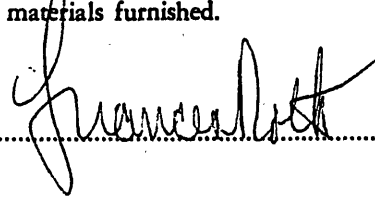
DATE			CLAIMED	ALLOWED
8/26/92		Zoning Board Meeting	75 00	
		Misc. - 4		
		Denhoff - 1		
		Carrels - 5		
		Windsor Enterprises - 2 Auto. 16.00		
		De Palma - 5		
		Bruins - 1		
		Bittles - 1		
		Freeman - 9		
		Rose - 5		
		Jones - 12	198 00	
			273 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of
\$

.....
Clerk

WINDSOR ENTERPRISES, INC.

MR. FENWICK: This is a request for 94 s. f. sign area variance for freestanding sign (Auto X Press). Again Mr. Yannone is here for item 3 on the agenda for Windsor Enterprises Inc. request for 94 square feet. Again, this is a matter that was adjourned. Any comments?

MR. LUCIA: Exactly the same situation, Orange County Department of Planning and Development was notified on September 17. We received no response, more than 30 days has elapsed so we now have jurisdiction to vote.

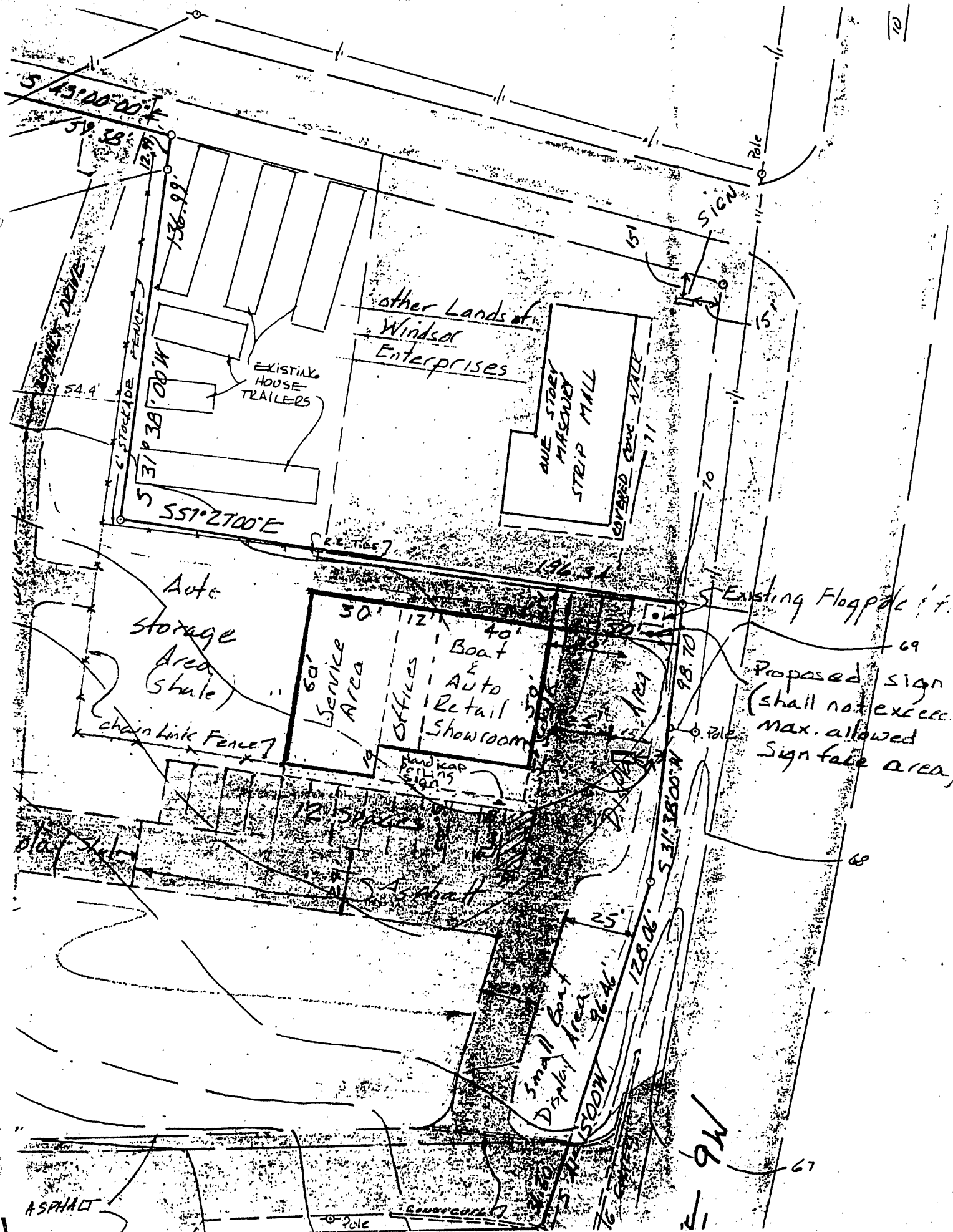
MR. FENWICK: Anyone here in reference to speak on Auto X Press? I'll close it to the public, open it back up to the members of the board.

MR. NUGENT: I move it be granted.

MR. TANNER: I'll second it.

ROLL CALL

MR. TANNER	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE
MR. FENWICK	AYE



92-31
Prelim. 9/14/92.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: SEPTEMBER 10, 1992

APPLICANT: WINDSOR ENTERPRISES, INC..
P.O. BOX 928
VAILS GATE, N.Y. 12553

Sign #2 - Auto X Press

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR (BUILDING PERMIT): TO INSTALL SIGN

LOCATED AT: ROUTE 9-W

ZONE NZ

DESCRIPTION OF EXISTING SITE: SEC: 37 BLOCK: 1 LOT: ~~3~~ 35.32.

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. MAX. SQ.FT. IN NC ZONE IS 30 SQ. FT.


BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE NC USE		
SIGN		
FREESTANDING 30 SQ FT.	124 SQ FT.	94 SQ FT.
HEIGHT		
WALL SIGNS		
TOTAL ALL SIGNS		
FEET FROM ANY LOT LINE		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF
APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises WINNERS ENTERPRISES, INC.
Address P.O. Box 928 Vails Gate N.Y. Phone 565-8530
Name of Architect _____
Address _____ Phone _____
Name of Contractor Jim Petro
Address _____ Phone 565-0749
State whether applicant is owner, lessee, agent, architect, engineer or builder Owner
If applicant is a corporation, signature of duly authorized officer.

James R. Petro Jr. V.P.
(Name and title of corporate officer)

1. On what street is property located? On the W side of RR 94
(N.S.E. or W.)
and 0-100 feet from the intersection of CEASAR'S
2. Zone or use district in which premises are situated NC flood zone? Yes _____ No ✓
3. Tax Map description of property: Section 37 Block _____ Lot 34
4. State existing use and occupancy of premises and intended use and occupancy of
a. Existing use and occupancy CAN SALES b. Intended use _____

IF APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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Name of Owner of Premises WINNOR ENTERPRISES, INC.
Address P.O. Box 928 Vails Gate N.Y. Phone 565-8530
Name of Architect _____
Address _____ Phone _____
Name of Contractor Jim Petro
Address _____ Phone 565-0769
State whether applicant is owner, lessee, agent, architect, engineer or builder Owner
If applicant is a corporation, signature of duly authorized officer.

James R. Petro, Jr. V.P.
(Name and title of corporate officer)

1. On what street is property located? On the W side of 96 and D-100 feet from the intersection of CEASAR'S WAY (N.S.E. or W.)
2. Zone or use district in which premises are situated N.C. flood zone? Yes _____ No ✓
3. Tax Map description of property: Section 3.7 Block _____ Lot 34
4. State existing use and occupancy of premises and intended use and occupancy of _____
a. Existing use and occupancy CAR SALES b. Intended use _____
5. Nature of work (check which applicable): New Building _____ Addition _____ Repair _____
Removal _____ Demolition _____ Other SIGN
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear _____ Side Yard _____
Is this a corner lot? YES
7. Dimensions of entire new construction: Front 200 Rear 200 Depth 300 Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost 1500.00 Fee _____ (to be paid with application)
11. School District Cornwall

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved w/c.....
Permit No.

Office Of Building Inspector
Michael L. Badcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

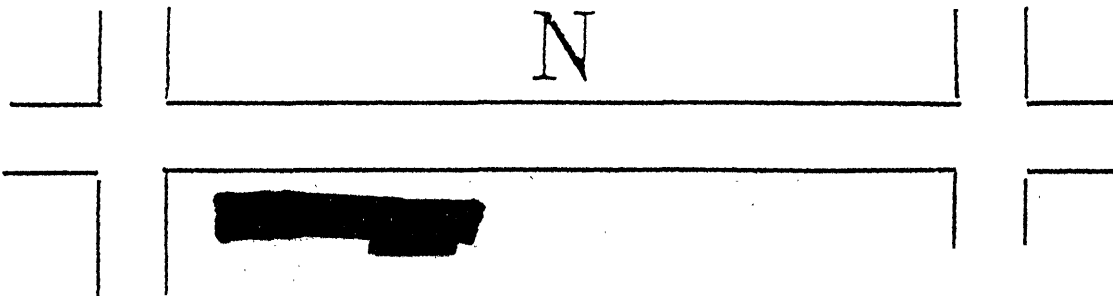
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

James R. Roth.....238 MAHAWAY LANE New Windsor N.Y.
(Signature of Applicant) (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer —
Planning Board.....
Highway.....
Sewer.....
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James R. [Signature] 238 MAHARAY LANE NEW WINDSOR N.Y.
(Signature of Applicant) (Address of Applicant)

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